

ORIGINAL

FILED
HARRISBURG

FEB 5 2001

MARY E. D'ANDREA, CLERK
Per. MTS
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

v.

MARTIN F. HORN, et al.,

Defendants

:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:CV-01-0181

Judge Caldwell

(Magistrate Judge Smyser)

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendants, by and through their attorney, Victoria S. Freimuth, Assistant Counsel, Pennsylvania Department of Corrections, hereby move this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the complaint against them for failure to state a claim upon which relief can be granted, for the reasons that will be set forth in the Brief that will be filed pursuant to the rules of this Court.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HABEEB SALEEM,

Plaintiff

V.

MARTIN F. HORN, et al.,

Defendants

Civil Action No. 1:CV-01-0181

Judge Caldwell

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I hereby certify that I am this day forwarding a true and correct copy of the foregoing Defendants' Motion to Dismiss upon the person(s) in the manner indicated below:

Service by first-class mail
Addressed as follows:

Habeeb Saleem, DE-2340
SCI-Pittsburgh
3001 Beaver Avenue
P.O. Box 99901
Pittsburgh, PA 15233

Alonda N. Bailey
Alonda N. Bailey
Clerk Typist 2

PA Department of Corrections
55 Utley Drive
Camp Hill, Pennsylvania 17011
(717) 731-0444

Dated: February ³2, 2001